

Remarks

In response to the final Office Action dated November 09, Applicant respectfully requests reconsideration based on the following remarks. Applicant respectfully submits that the claims as presented are in condition for allowance.

In the present application, claims 10, 13, and 16 have been amended and claims 1-9 and 17-19 have been previously cancelled without prejudice or disclaimer. No new matter has been added.

Applicant's Statement of the Substance of the Interview

A telephone interview was conducted on December 10 between Examiner Chankong and the undersigned. During the interview new claim amendments to the independent claims were discussed that would place the instant application in condition for allowance.

Claim Rejections – 35 U.S.C. §112, second paragraph

Claims 10-12 and 20 stand rejected under section §112 second paragraph for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as his invention. In particular, independent claim 10 lacks proper antecedent basis concerning the element “the external third network”. Claim 10 has been amended to read “an external third network. Therefore the claim has proper antecedent basis and the rejection may be withdrawn. Claims 11, 12 and 20 depend from independent claim 10 and also now have proper antecedent basis. As such, the rejection may be withdrawn from claims 11, 12 and 20 as well.

Claim Rejections - 35 U.S.C. §103

Claims 10-15

Claims 10-16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ditmer (U.S. Pat. 6,490,620) in view of Nicoll (U.S. Pat. 6,356,563) and further in view of Ashton (U.S. Pat. 6,181,679).

Independent claims 10 and 13 have been amended to include features not described by the combination of Ditmer, Nicoll and Ashton. Amended independent claim 10 recites, in pertinent part:

“[a] method for provisioning a data link connection identifier...the virtual connection is associated with one or more existing identifiers, the method comprising...

remotely displaying the one or more existing identifiers in a web page over an external third network using the network management module in response to the browser request, the request containing at least one of a logical and physical port name, wherein further the web page comprises existing identifier information associated with each of the existing identifiers of a source switch and a destination switch consisting of an identification of the Source Switch, a Source Logical Port Name, a Source DLCI, a Source Service Type, an identification of the Destination Switch, a Destination Logical Port Name, a Destination DLCI, a Destination Service Type and a Committed Information Rate...”

Applicant respectfully asserts that the present combination of references fails to describe that the web page comprises existing identifier information associated with each of the existing identifiers of a source switch and a destination switch *consisting of an identification of the Source Switch, a Source Logical Port Name, a Source DLCI, a Source Service Type, an identification of the Destination Switch, a Destination Logical Port Name, a Destination DLCI, a Destination Service Type and a Committed Information Rate...*”

Ditmer describes providing a #PVC field, a CIR total field and other switch information (FIG. 12(a)-(g)). However, Ditmer does not describe a web page providing “existing identifier information associated with each of the existing identifiers of a source switch and a destination switch consisting of an identification of the Source Switch, a Source Logical Port Name, a Source DLCI, a Source Service Type, an identification of the Destination Switch, a Destination Logical Port Name, a Destination DLCI, a Destination Service Type and a Committed Information Rate.

Applicants respectfully point out that neither Nicoll nor Ashton describes presenting a web page including the above information and therefore both fail to cure this deficiency of Ditmer. Since none of Ditmer, Ashton, Nicoll or their combination describes a web page providing the above recited DLCI information, the Office Action fails to establish a prima facie case of obviousness. As such, independent claim 10 is allowable over the combination of Ditmer, Ashton and Nicoll for at least this reason. Amended independent claims 13 recites similar subject matter and are allowable for at least the same reason. Claims 11-12 and 14-15 depend from an allowable independent claim 10 or 13 and are allowable for at least this same reason.

Claims 16 and 20

Applicant further asserts that amended independent claim 16 recites additional subject matter not described by the combination of Ditmer, Ashton and Nicoll. Amended independent claim 16 recites, in pertinent part:

“...the network management module resides within a web server, compiles the one or more existing identifiers upon receiving the request from the browser, and remotely displays the one or more existing identifiers over an external third network in a web page over an external third network in response to a browser request...”

As discussed above, Ditmer is relied upon for describing most of the claim elements. However, Ditmer fails to describe the subject matter asserted to Ditmer by the Office Action. Specifically, Ditmer does not describe that a “network management module is resident within a web server and is operative to compile the one or more existing identifiers upon receiving the request from the browser, and remotely display the one or more existing identifiers over an external third network in a web page over an external third network in response to a browser request.”

On page 2, the Office Action expressly equates Ditmer’s “PRS device” (Fig. 7, Item 280) to the recited web server and further equates the poller 296 within the PRS device 280 to the recited network management module residing within the web server. In addition, Ditmer expressly describes that its broadband view web server (Fig. 7, Item 250) is the web server and not the PRS device 280.

Applicant respectfully points out that the description in Ditmer is contrary to the claim recitations. Ditmer expressly describes that the PRS device 280 is merely an active database (Col. 15; l. 60-61) and that the PRS device 280 queries switches in a network, collects the data from the switches and assembles the data for ultimate delivery to, and storage in, a separate database 285 within the web server 250. (Col. 14, l. 33-40). As such, Ditmer expressly describes that the poller 296 is not resident within the web server 250. Ditmer further describes that the PRS device 280 feeds information to the broadband server 250, further describing that poller 296 is not resident within the web server 250.

For the above reasons, Applicant respectfully asserts that Ditmer actually describes that the poller 296 does not reside within a web server 250 but resides within a separate active

database 280. Ditmer, therefore, fails to describe a network management module that resides within a web server.

Further, Applicant respectfully points out since the poller 296 is not resident within the web server 250 or any other web server, the poller 296 does not appear to be capable to “remotely display the identifiers in a web page over an external third network in response to a browser request” since it cannot itself send or receive communications over the internet. Ditmer certainly does not expressly describe that the poller 296 can display the identifiers in a web page over an external third network in response to a browser request and indicates otherwise by not including such a capability in its discussion of the poller 296 function.

Applicant further asserts that neither Nicoll nor Ashton appears to cure this additional deficiency of Ditmer as neither reference describes what could be readily construed as “a network monitoring module resident on a web server...”. Since none of Ditmer, Ashton, Nicoll or their combination describes “a network monitoring module that resides on a web server...”, the Office Action fails to establish a prima facie case of obviousness. Amended independent claim 16 is therefore allowable over the combination of Ditmer, Ashton and Nicoll for at least this additional reason.

Amended independent claim 10 recites similar subject matter and is allowable for at least this additional reason. Claims 11-12 and 20 depend from an allowable claim 10 and are allowable for at least the same reasons.

Conclusion

In view of the foregoing amendments and remarks, this application is now in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is invited to call the Applicant’s attorney at the number listed below.

No fees are believed due. However, please charge any additional fees due or credit any overpayment to Deposit Account No. 50-3025.

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Respectfully submitted,

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